

MILBERG TADLER PHILLIPS GROSSMAN LLP

NEW YORK

THE FIRM'S PRACTICE AND ACHIEVEMENTS

Milberg Tadler Phillips Grossman LLP (“MTPG”), headquartered in New York City, helps clients challenge corporate wrongdoing through class action, mass tort, personal injury, consumer, and shareholder rights services. MTPG was established in 2018 by members of Milberg LLP, a leading class action and complex litigation firm, and Sanders Phillips Grossman LLC, a nationally recognized plaintiffs’ law firm representing consumers in mass tort and personal injury cases.¹

Milberg LLP, founded in 1965, took the lead in landmark cases that set groundbreaking legal precedents and prompted changes in corporate governance benefitting shareholders and consumers. Milberg LLP pioneered federal class action litigation and is widely recognized as a leader in defending the rights of victims of corporate and other large-scale wrongdoing. It has been responsible for recoveries valued at approximately \$56 billion during the life of the firm. *E.g., In re Vivendi Universal, S.A. Securities Litigation* (jury verdict for plaintiff class in January 2010); *In re Tyco International, Ltd. Securities Litigation* (\$3.2 billion settlement); *In re Nortel Networks Corp. Securities Litigation* (settlement for cash and stock valued at \$1.142 billion); *In re Merck & Co., Inc. Securities Litigation* (D.N.J.) (\$1.062 billion recovery).

Sanders Phillips Grossman LLC provides exemplary legal representation in the practice areas of Defective Drugs, Defective Medical Devices, Consumer Fraud, Whistleblower, Class Actions, Catastrophic Injury, and Toxic Exposure. As a nationally recognized leading plaintiffs’ law firm for the past three decades, the firm and its predecessors have recovered more than one billion dollars for injured consumers. Sanders Phillips Grossman has offices in Seattle, WA; Los Angeles, CA; and Puerto Rico.

Through these firms’ strategic partnership, MTPG represents government entities, businesses, and individuals who have suffered harm from securities fraud, data breaches, antitrust violations, consumer fraud, corporate misconduct, opioids, water contamination, and a wide range of commercial and pharmaceutical malfeasance.

Indeed, MTPG has an active class action privacy and data breach practice. *E.g., In re Yahoo! Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752 (N.D. Cal.) (Executive Committee); *In re Target Corporation Customer Data Security Breach Litigation*, No. 14-md-02522-PAM (D. Minn.) (Plaintiffs’ Steering Committee) (Settled for \$10 million; pending appeal); *In re Intuit Data Litigation*, No. 15-CV-1778-EJD (N.D. Cal.) (Executive Committee); *In re Anthem Data Breach Litigation*, No. 5:15-md-02617 (N.D. Cal.) (Plaintiffs’ Counsel); *Torres et al. v. Wendy’s International LLC*, No. 6:16-cv-210-PGB-DCI (M.D. Fla.) (Plaintiffs’ Counsel); *Fero et al. v. Excellus Health Plan, Inc. and Lifetime Healthcare, Inc.*, No. 6:15-cv-06569 EAW (W.D.N.Y) (Special Discovery Counsel to Lead Counsel); *In re Premera Blue Cross Customer Data Breach Litig.*, No. 3:15-md-2633-SI (D. Or.) (Plaintiffs’ Counsel); and *Ung, et al. v. Facebook, Inc.* (Plaintiffs’ Counsel).

In addition to their other substantive work on these privacy and data breach cases, MTPG’s attorneys have overseen massive and complex discovery in many of these matters. The MTPG team has taken the lead in negotiating comprehensive discovery-related orders attuned to latest developments in technology, the Federal Rules of Civil Procedure, and best practices (including protective orders, e-discovery protocols, “Rule 502” orders, and ESI search

¹ As of January 1, 2018, Milberg LLP’s lawyers are now prosecuting new and active cases out of Milberg Tadler Phillips Grossman LLP.

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protocols); drafting targeted requests for the production of documents (among other discovery requests); and supervising the review of millions of documents (including over 8 million pages in *Yahoo!* alone), often applying advanced technological tools to facilitate an accurate, efficient, and cost-effective review that hones in on the documents integral to the advancement and resolution of these matters.

MTPG's ability to pursue claims against defendants is augmented by its investigators, headed by a 27-year veteran of the Federal Bureau of Investigation. The firm's lawyers have been regularly recognized as leaders in the plaintiffs' bar by the National Law Journal, Legal 500, Chambers USA, and Super Lawyers, among others.

MTPG EQUIFAX LITIGATION TEAM ATTORNEY BIOGRAPHIES

ARIANA J. TADLER is a Managing Partner at Milberg Tadler Phillips Grossman LLP. She has extensive experience litigating and managing complex securities and consumer class actions, including high profile, fast-paced cases and data breach litigations. Ms. Tadler is recognized as one of the nation's preeminent leading authorities on electronic discovery and pioneered the establishment of an E-Discovery Practice group within a plaintiffs' firm structure. Ms. Tadler is regularly invited to speak on a variety of litigation and discovery-related topics and has authored numerous articles and developed and promoted best practice tips and tools, including *The Jumpstart Outline*, now in its third edition, published by The Sedona Conference®.

Ms. Tadler and her team have actively litigated numerous highly publicized data breach litigations on behalf of consumers and data service users. Ms. Tadler is one of five court-appointed members of the Plaintiffs' Executive Committee in *In re Yahoo! Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752 (N.D. Cal.), a class action arising from a breach affecting more than 3 billion Yahoo! user accounts. The firm's team, under Ms. Tadler's direction, is primarily responsible for the massive and complex discovery in the case. Ms. Tadler is also a member of the court-appointed Steering Committee in *In re Target Corporation Customer Data Security Breach Litigation*, representing consumers in a class action alleging that Target Corp. failed to protect customers from a massive

data breach during the holiday shopping season.

Ms. Tadler is currently serving as lead counsel in a number of consumer cases involving the mislabeling as "natural" products that contained GMOs, including *In re ConAgra Foods, Inc.*, in which a class was certified by the district court, affirmed by the Court of Appeals for the Ninth Circuit and successfully survived a petition for a writ of *certiorari* to the United States Supreme Court by defendants. Ms. Tadler successfully represented an alternative energy company in its claims of negligence against one of the Big 4 accounting firms, defended by King & Spalding LLP. Ms. Tadler has been recognized for her ability to manage particularly large, complex, fast-paced litigations. Tadler's accomplishments include litigation of three cases in the Eastern District of Virginia (a/k/a the "Rocket Docket") in less than four years, including *In re MicroStrategy Securities Litigation* in which plaintiffs' counsel negotiated settlements valued at more than \$150 million. Ms. Tadler served as one of the court-appointed plaintiffs' liaison counsel in the *Initial Public Offering Securities Litigation* in which the court approved a \$586 million cash settlement. Among the thousands of defendants in this coordinated action were 55 prominent investment banks and more than 300 corporate issuers.

Ms. Tadler also has been retained as Special Discovery Counsel in complex litigation and class actions. She represented

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the government of Colombia as Special Discovery Counsel in its pursuit of claims alleging smuggling and illegal sales of alcohol by several international companies for violation of United States RICO statutes and other common law claims. The engagement encompassed identifying relevant information responsive to defendants' requests, confirming and guiding preservation practices, and interviewing and collecting data from more than 100 custodians in 23 Colombian Departments (Colombia's equivalent to our States in the U.S.). The team also reviewed and produced data in the litigation, and was tasked with ensuring compliance with the various privacy laws of Colombia and the United States with regard to personal data, controlled data and the transfer of sensitive information—all hot topics in the area of E-Discovery today. Lawyers from other firms faced with E-Discovery challenges seek out Ms. Tadler for her guidance and counsel.

Ms. Tadler was recently appointed by United States Supreme Court Chief Justice Roberts to serve on the Federal Civil Rules Advisory Committee. Additionally, she has been appointed by Committee Chair Judge John D. Bates to the subcommittee tasked with reviewing and considering potential civil rules for multidistrict litigation (MDL) cases.

Ms. Tadler recently completed her service on The Sedona Conference®'s Board of Directors and, after serving for five years as Chair, has continued to serve as Chair Emeritus of the Steering Committee for Working Group 1 on Electronic Document Retention and Production, the preeminent "think tank" on E-Discovery. In addition, she serves on the Advisory Board of Georgetown University Law Center's Advanced E-Discovery Institute where she has helped educate federal judges and lawyers on E-Discovery issues and also serves on the Bloomberg Law Litigation Innovation Board. Ms. Tadler also recently completed her service as Executive Director for the Board of Advisors of the Benjamin

N. Cardozo School of Law's Data Law Initiative (CDLI).

Ms. Tadler continues to be recognized for her litigation prowess by prominent legal industry rating organizations. Ms. Tadler's recent accolades include Band 1 (highest) recognition by Chambers and Partners' for E-Discovery; selection by Super Lawyers 2017 "Top 100 Lawyers in New York Metro Area"; Super Lawyers 2017 "Top 50 Women Lawyers in New York Metro Area"; Who's Who Legal Litigation: Leading Practitioner-E-Discovery (2017); and AV® Preeminent rating from Martindale Hubbell. The Legal 500 2016 rankings stated: "'Consummate professional' Ariana Tadler, who leads the E-Discovery unit [of Milberg LLP], is 'exceptional, clear and forceful, a giant in her field' ... 'able to navigate technical discovery issues at a very high level.'"

Ms. Tadler is a member of several legal industry associations, including: American Bar Association; American Bar Foundation (Fellow); American Association for Justice; Federal Bar Council; New York State Bar Association; National Association of Women Lawyers; New York Women's Bar Association; and The New York Inn of Court. Ms. Tadler is a fellow of the Litigation Counsel of America, an invitation-only trial lawyer honorary society that recognizes the country's top attorneys. She is also involved in various community and not-for-profit organizations and currently serves on the board of Mobilization for Justice for which she once served as Chair.

With gratitude for and in recognition of the many opportunities that have paved the way for her career growth and success, Ms. Tadler commits countless hours to mentoring others in their educational and professional pursuits. She is particularly focused on fostering education and career opportunities for women and underprivileged youth.

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Ms. Tadler is also a Principal in Meta-e Discovery LLC, a data hosting, management and consulting company, which is the result of the 2015 spin-off of Milberg LLP's prior Litigation Support and Data Hosting services division that Ms. Tadler helped to build.

Ms. Tadler graduated from Hamilton College in 1989 and received her J.D. from Fordham University School of Law in 1992.

Melissa R. Clark is a Partner with MTPG. She has spent more than a decade litigating complex and class action financial, privacy, and consumer cases.

Ms. Clark attended Tulane University Law School and focused her coursework on complex and class action litigation. Before receiving her J.D. from Tulane in 2007, she studied for a semester at UC Berkeley School of Law, where she received High Honors in Securities & Class Action Litigation (awarded to the top 10% of students in the course) and was a visiting member of the *California Law Review*.

Ms. Clark has unique experience litigating high-tech privacy class actions both in and out of the data breach arena. She currently has a lead role on the team spearheading discovery in the Wendy's consumer data breach litigation, and has successfully litigated non-data breach privacy class actions against companies like Google and Facebook.

Her legal work experience also includes judicial externships with the Honorable Jerry Brown, Chief Judge of the United States Bankruptcy Court, Eastern District of Louisiana and the Honorable Jay C. Zainey of the United States District Court, Eastern District of Louisiana, as well as a clerkship with the San Francisco District Attorney's Office.

Ms. Clark serves on the Law, Youth & Citizenship Committee of the New York

State Bar Association and is Co-Editor of the ABA Professional Liability Litigation Committee's newsletter.

She has been recognized as a New York Super Lawyers "Rising Star" each year from 2011-2017.

Elizabeth McKenna is Senior Counsel with MTPG and has spent almost 20 years as a litigator. She currently focuses her practice on complex and class action consumer protection and privacy cases, as well as antitrust cases involving price-fixing, unlawful monopolization, and other anticompetitive practices. Ms. McKenna also represents defrauded individuals and institutional investors in actions involving complex financial issues.

Ms. McKenna was part of the team appointed co-lead counsel for Indirect Purchaser Plaintiffs in *In re Fresh & Process Potatoes Antitrust Litig.*, No. 4:10-md-2186 (D. Idaho), as well as *In re Processed Egg Products Antitrust Litig.*, No. 2:08-md-2002 (E.D. Pa.).

Prior to joining the firm, Ms. McKenna worked as an attorney in the New York office of Healy & Baillie, LLP (now part of Blank Rome LLP), where she practiced commercial litigation, as well as admiralty and maritime law.

Ms. McKenna graduated from Columbia University in 1991 with a B.A. degree in English, and received a J.D. from Fordham Law School in 1998. While at Fordham, Ms. McKenna was a Stein Scholar in Public Interest Law & Ethics, a member of the Fordham Environmental Law Journal, and a Co-Director of the Fordham Student Sponsored Fellowship.